

William F. Adler
Executive Director
Federal Regulatory Relations

1275 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20004
(202) 383-6435

PACIFIC  TELESIS
Group - Washington

September 10, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Re: CC Docket No. ~~92-100~~ ET Docket No. 92-100 / Amendment of the Commission's
Rules to Establish New Narrowband Personal Communications Services

On behalf of Pacific Bell, please find enclosed an original and six copies of its "Petition
For Clarification" in the above proceedings.

Please stamp and return the provided copy to confirm your receipt. Please contact me
should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	GEN Docket No. 90-314
)	ET Docket No. 92-100
)	
Amendment of the Commission's)	RM-7617, RM-7760, RM-7782,
Rules to Establish New)	RM-7860, RM-7977, RM-7978,
Narrowband Personal)	RM-7979, RM-7980, PP-4, PP-5
Communications Services)	PP-11, PP-14, PP-35 through
)	PP-40, PP-53, PP-69, PP-79
)	through PP-85
)	

PETITION FOR CLARIFICATION OF PACIFIC BELL

Pursuant to Section 1.429(a) of the Commission's rules,¹ Pacific Bell hereby files a Petition for Clarification.

In the Commission's decision in the above-captioned proceeding released on July 23, 1993, the Commission stated that applicants awarded a pioneer's preference, "will be placed on a pioneer's preference track, not subject to competing applications, and if otherwise qualified will receive a license. Other applicants will compete for remaining licenses in the normal licensing process."²

Auctions will now be the normal competitive licensing process. The Commission's language could be taken to mean that applicants awarded a pioneer's preference will not participate

¹ 47 CFR §1.429(a).

² In the Matter of Amendment of the Commission's Rules to Establish New Narrowband Personal Communications Services, GEN Docket No. 90-314, ET Docket No. 92-100, RM-7617, RM-7760, RM-7782, RM-7860, RM-7977, RM-7978, RM-7979, RM-7980, PP-4, PP-5, PP-11, PP-14, PP-35 through PP-40, PP-53, PP-69, PP-79 through PP-85, First Report and Order, released July 23, 1993, para. 55.

in any auctions and thereby may be exempt from paying any licensee fee at all. Pacific Bell does not believe that the Commission intends this result.

Such a result would confer too great a benefit on the pioneer's preference licensee and disadvantage competing providers who would pay a license fee. We believe that the pioneer's preference licensee should be required to pay a fee equal to the lowest winning bid for the appropriate licensing area. This would recognize the licensee's pioneering efforts by ensuring a license with a charge equal to the lowest winning bid but would not allow a windfall.

Pacific Bell respectfully requests that the Commission clarify that it did not mean to suggest that pioneer preference licensees will be exempt from license fees and that it will address this issue in its Notice of Proposed Rulemaking on auctions through an amendment to its pioneer preference rules. Pacific Bell recommends that the following language be added to Section 1.402(d) of the pioneer's preference rules: "Provided, however, if the Commission grants licenses for the relevant portion of the spectrum through competitive bidding, the

pioneer's preference licensee will pay a fee equal to the lowest winning bid in the same license area for spectrum of comparable size and utility."

Respectfully submitted,

PACIFIC BELL


JAMES P. TUTHILL
BETSY S. GRANGER

140 New Montgomery St., Rm. 1525
San Francisco, California 94105
(415) 542-7649

JAMES L. WURTZ

1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 383-6472

Their Attorneys

Date: September 10, 1993

CERTIFICATE OF SERVICE

I, Alex Kositsky, certify that the following is true and correct:

I am a citizen of the United States, State of California and over eighteen years of age.

My business address is 140 New Montgomery Street, San Francisco, CA 94105.

On September 10, 1993, I served the attached "Petition for Clarification of Pacific Bell and Nevada Bell" by placing true copies thereof in envelopes addressed to the parties in the attached list which envelopes, with postage thereon fully prepaid. I then sealed and deposited in a mailbox regularly maintained by the United States Government in the City and County of San Francisco, State of California.

PACIFIC BELL
140 New Montgomery Street
Room 2501
San Francisco, CA 94105

By: _____

Alex Kositsky

Alex Kositsky

SERVICE LIST
CC DOCKET NO. 90-314

Jonathan D. Blake
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, D.C. 20004
(Attorneys for American Personal
Communications)

Richard Rubin
Fleischman and Walsh
1400 16th Street, N.W.
Suite 600
Washington, D.C. 20036
(Attorneys for Associated PCN Company)

Randall B. Lowe
Jones, day, Reavix & Pogue
1450 G Street, N.W.
Washington, D.C. 20005-2088
(Attorneys for Litel Telecommunications
Corp.)

Thomas E. Martinson
PCN America, Inc.
153 East 53rd Street
Suite 2500
New York, N.Y. 10022

Randall D. Fisher
Adelphia Communications Corp.
5 West Third Street
Coudersport, PA 16915

Stuart F. Feldstein
Fleischman and Walsh
1400 16th Street, NW
Washington, D.C. 20036
(Attorneys for Adelphia Communications
Corp.)

Francine J. Berry
AT&T
295 North Maple Avenue
Basking Ridge, N.J. 07920

American Telezone
Intercell International Inc.
13103 N. Moss Creek Dr.
Cypress, TX 77429

JoAnne G. Bloom
Ameritech
30 South Wacker Drive
Suite 3900
Chicago, IL 60606

Mark S. Fowler
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004
(Attorneys for Bell Atlantic Personal
Communications, Inc.)

Dennis F. Begley
Reddy, Begley & Martin
2033 M Street, N.W.
Washington, D.C. 20036
(Attorneys for Broadband Communications
Corporation)

James F. Ireland
Cole, Raywid & Braverman
1919 Pennsylvania Avenue
Second Floor
Washington, D.C. 20006-3458
(Attorneys for Cable USA, Inc.)

Harold C. Davis
Advanced MOBILEComm Technologies, Inc.
FMR Corporation
82 Devonshire Street, R25D
Boston, MA 02109

Nancy J. Thompson
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036
(Attorneys for Cellular Service, Inc.)

Leonard J. Baxt
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, D.C. 20037
(Attorneys for Comcast PCS
Communications, Inc.)

James U. Troup
Arter & Hadden
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006
(Attorneys for Iowa Network, Inc.)

Jimmy K. Omura
CYLINK Corporation
110 South Wolfe Road
Sunnyvale, CA 94086

Douglas G. Smith
Omnipoint Communications, Inc.
7150 Campus Drive
Colorado Springs, CO 80920

John D. Lockton
Corporate Technology Partners
520 S. El Camino Real
San Mateo, CA 94010

Richard Brass
Oracle Data Publishing, Inc.
500 108th Avenue, N.E.
Suite 1750
Bellvue, WA 98004-5500

Werner Hartenberger
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Suite 500
Washington, D.C. 20037
(Attorneys for Cox Enterprises, Inc.)

Tom Alberg
McCaw Cellular Communications, Inc.
5400 Carillon Point
Kirkland, WA 98033

David C. Jatlow
Young & Jatlow
2300 N Street, N.W.
Suite 600
Washington, D.C. 20037
(Attorneys for Ericsson Business
Communications, Inc.)

Douglas G. Smith
Omnipoint Communications, Inc.
7150 Campus Drive
Colorado Springs, CO 80920

Robert S. Foosaner
Fleet Call, Inc.
1450 G Street, N.W.
Washington, D.C. 20036

Stuart F. Feldstein
Fleischman and Walsh
1400 Sixteenth Street, N.W.
Washington, D.C. 20036
(Attorneys for Omnipoint Mobile Data
Company)

Harold Mordkofsky
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D. C. 20037
(Attorneys for Freeman Engineering
Associates, Inc.)

David A. Reams
Grand Broadcasting Corporation
27019 Shawnee
Perrysburg, Ohio 43551

Caressa D. Bennet
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037
(Attorneys for Panhandle Telephone
Cooperative, Inc.)

Richard G. Tomlinson
PCN Communications, Inc.
2906 Main St.
Glastonbury, CT 06033

Gardner F. Gillespie
Hogan & Hartson
555 13th Street, N.W.
Washington, D.C. 20004
(Attorneys for PerTel, Inc.)

A. Thomas Carroccio
Santarelli, Smith & Carroccio
1155 Connecticut Avenue, N.W.
Washington, D.C. 20036-4308
(Attorneys for Pulson Communications
Corporation)

Kevin J. Kelley
QUALCOMM Incorporated
1220 19th Street, N.W.
Suite 501
Washington, D.C. 20036

Douglas G. Smith
Omnipoint Communications, Inc.
7150 Campus Drive
Colorado Springs, CO 80920

Jeffrey Blumenfeld
Blumenfeld & Cohen
1615 M Street, N.W.
Suite 700
Washington, D.C. 20036
(Attorneys for Pagemart, Inc.)

Sanjay B. Moghe
SM TEK, Inc.
1021 Warwick Circle
Hoffman Estates, IL 60194

J. Daniel Bariault
Spatial Communications, Inc.
1001 Fourth Avenue Plaza
Suite 3200
Seattle, WA 98154

Jerome K. Blask
Gurman, Kurtis, Blask & Freedman,
Chartered
1400 16th Street, N.W.
Suite 500
Washington, D.C. 20036
(Attorneys for Spatial Communications,
Inc.)

Larry S. Solomon
Ginsburg, Feldman & Bress Chartered
1250 Connecticut Avenue, N.W.
Suite 800
Washington, D.C. 20036
(Attorneys for Suite 12 Group)

Office of Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Peter Tannenwald
Arent, Fox, Kinter, Plotkin & Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339
(Counsel for Radio Telecom and
Technology, Inc.)

James F. Ireland
Cole, Raywid & Braverman
1919 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
(Attorneys for SATCOM, Inc.)

Donald L. Schilling
SCS Mobilecom, Inc.
Suite 200
85 Old Shore Road
Port Washington, NY 11050
George H. Shapiro
Arent, Fox, Kinter, Plotkin & Kahn
1050 Connecticut Avenue, NW
Washington, D.C. 20036-5339
(Attorneys for Viacom International
Inc.)

Larry A. Blosser
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Lawrence J. Movshin
Thelen, Marrin, Johnson & Bridges
805 15th Street, N.W.
9th Floor
Washington, DC 20005-2207
(Attorneys for Advanced Cordless
Technologies)

Irvin G. Stiglitz
Massachusetts Institute of Technology
Lincoln Laboratory
244 Wood Street
Lexington, MA 02173-9108

Richard McKenna
GTE Service Corporation
P. O. Box 152092
Irving, TX 75015-2092

James E. Meyers
Baraff, Koerner, Olender & Hochberg
5335 Wisconsin Avenue, N.W.
Suite 300
Washington, D.C. 20015
(Attorneys for Tele-Communications,
Inc.)

Terrence P. McGarty
The Telmarc Group Inc, and Telmarc
Telecommunications, Co.
265 Franklin Street
Boston, MA 02110

Michael D. Basile
Dow, Lohnes & Albertson
1255 Twenty-Third Street
Washington, D.C. 20037
(Attorneys for TRX Transportation
Telephone Company)

Mark P. Royer
Southwestern Bell Corporation
One Bell Center, Rm. 3524
St. Louis, MI 63101

Charles D. Ferris
Mintz, Levin, Cohn, Ferris, Glovsky &
Popeo
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, DC 20004
(Attorneys for Cablevision Systems
Corporation)

Paul J. Sinderbrand
Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse
Washington, DC 20005-3919
(Attorneys for the Wireless Cable
Association International, Inc.)

Charles F. Wright
Centel Corporation
8725 Higgins Street
Chicago, IL 60631